

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PATRICIA COTTEN and
JAMES SCOTT EL,

Plaintiffs,

No. 04-CV-73508-DT

vs.

Hon. Gerald E. Rosen

SHERRY BURT, et al.,

Defendants.

_____ /

ORDER ADOPTING MAGISTRATE JUDGE'S
SEPTEMBER 16, 2008 REPORT AND RECOMMENDATION

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on October 10, 2008

PRESENT: Honorable Gerald E. Rosen
United States District Judge

This Section 1983 civil rights action having come before the Court on the
September 16, 2008 Report and Recommendation of U.S. Magistrate Judge Mona K.
Majzoub recommending that the Court dismiss Defendants Vallie and John/Jane Doe,
without prejudice pursuant to Fed. R. Civ. P. 4(m) for failure to effectuate proper service;
and timely objections to the Magistrate Judge's R&R having been filed; and the Court
having reviewed and considered the R&R and the objections thereto, and being otherwise
fully advised in the premises,

NOW, THEREFORE,

IT IS HEREBY ORDERED that the Magistrate Judge's Report and

Recommendation of September 16, 2008 is adopted by the Court. Accordingly, for the reasons stated by the Magistrate Judge in her Report and Recommendation,

IT IS FURTHER ORDERED that Plaintiffs' claims against Defendant Carol Vallie and Defendant "John/Jane Doe" are hereby DISMISSED, without prejudice.

Accordingly, this action shall proceed to trial only on Plaintiffs' claims against Defendants Burt, Powell and Campbell.

SO ORDERED.

s/Gerald E. Rosen
United States District Judge

Dated: October 10, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 10, 2008, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager